

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: :
: **Case No.: 16-17120-elf**
Keith Kratzke : **Chapter 13**
Janet Kratzke : **Judge Eric L. Frank**
: *********
Debtor(s) :
: **Date and Time of Hearing**
Wilmington Trust, National Association, : **Place of Hearing**
not in its individual capacity, but solely : **January 8, 2019 at 9:30 a.m.**
as trustee for MFRA Trust 2014-2 :
Movant, : _____
: **vs** :
: **U.S. Bankruptcy Court**
Keith Kratzke : **900 Market Street, Courtroom #1**
Janet Kratzke : **Philadelphia, PA, 19107**
William C. Miller
Respondents.

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY TO PERMIT WILMINGTON
TRUST, NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY, BUT
SOLELY AS TRUSTEE FOR MFRA TRUST 2014-2 TO FORECLOSE ON 379 PINE
RUN ROAD, DOYLESTOWN, PA 18901**

Wilmington Trust, National Association, not in its individual capacity, but solely as trustee for MFRA Trust 2014-2 (the "Creditor") moves this Court, under Bankruptcy Code §§ 361, 362, 363, and other sections of Title 11 of the United States Code, and under Federal Rules of Bankruptcy Procedure 4001 and 6007 for an order conditioning, modifying, or dissolving the automatic stay imposed by Bankruptcy Code § 362 and avers as follows:

1. This is an action arising pursuant to a case under Title 11 of the United States Code.
2. Creditor is a lending institution duly authorized to conduct business in the Commonwealth of Pennsylvania.

3. Creditor is a party-in-interest in the above referenced Bankruptcy matter as it is a secured creditor of the Debtor.

4. Keith Kratzke and Janet Kratzke (collectively, "Debtor") filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code on October 7, 2016, ("Petition").

5. Debtor is currently obligated to Wilmington Trust, National Association, not in its individual capacity, but solely as trustee for MFRA Trust 2014-2, under the terms of a certain Note, dated May 24, 2004, in the original principal amount of \$235,000.00 executed by Debtor (hereinafter "Note").

6. As security for repayment of the Note, Debtor executed a certain Mortgage, dated of even date and of even amount, currently in favor of Wilmington Trust, National Association, not in its individual capacity, but solely as trustee for MFRA Trust 2014-2, with respect to certain real property owned by the Debtor located at 379 Pine Run Road, Doylestown, PA 18901 (hereinafter "Mortgaged Premises") and being recorded in Bucks County Recordings Office at Mortgage Book Volume 4053, Page 867 on July 23, 2004 in the Office of the Recorder of Deeds in and for Bucks County, Pennsylvania ("Mortgage").

7. Debtor has failed to make post-petition mortgage payments for the past 7 months, as of October 29, 2018.

8. Due to said failure by Debtor to make payments when due, Creditor lacks adequate protection of its security interest in the Mortgaged Premises.

9. The total loan balance and the amount past due to Wilmington Trust, National Association, not in its individual capacity, but solely as trustee for MFRA Trust 2014-2 in post-petition arrearages are \$244,054.78 and \$15,351.12, respectively, as of October 29, 2018.

10. The automatic stay of Section 362 of the Bankruptcy Code should be terminated with respect to the interest of Wilmington Trust, National Association, not in its individual capacity, but solely as trustee for MFRA Trust 2014-2 in the Mortgaged Premises, pursuant to Section 362(d)(1).

WHEREFORE, Wilmington Trust, National Association, not in its individual capacity, but solely as trustee for MFRA Trust 2014-2 respectfully requests this Honorable Court to enter an order terminating the Automatic Stay as it affects the interest of Wilmington Trust, National Association, not in its individual capacity, but solely as trustee for MFRA Trust 2014-2 in the Mortgaged Premises of the Debtor specifically identified in the Mortgage, and granting such other relief as this Honorable Court may deem just.

Respectfully submitted,

/s/ Karina Velter

Karina Velter, Esquire (94781)

Adam B. Hall (323867)

Sarah E. Barngrover (323972)

Manley Deas Kochalski LLC

P.O. Box 165028

Columbus, OH 43216-5028

Telephone: 614-220-5611

Fax: 614-627-8181

Attorneys for Creditor

The case attorney for this file is Karina Velter.

Contact email is kvelter@manleydeas.com

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: :
: **Case No.: 16-17120-elf**
Keith Kratzke : **Chapter 13**
Janet Kratzke : **Judge Eric L. Frank**
: * * * * *

Debtor(s) :
: **Date and Time of Hearing**
Wilmington Trust, National Association, : **Place of Hearing**
not in its individual capacity, but solely : **January 8, 2019 at 9:30 a.m.**
as trustee for MFRA Trust 2014-2

Movant, :
: _____
: **U.S. Bankruptcy Court**
vs : **900 Market Street, Courtroom #1**
Keith Kratzke : **Philadelphia, PA, 19107**
Janet Kratzke

William C. Miller

Respondents.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion for Relief from the Automatic Stay to permit Wilmington Trust, National Association, not in its individual capacity, but solely as trustee for MFRA Trust 2014-2 to foreclose on 379 Pine Run Road, Doylestown, PA 18901 was served on the parties listed below via e-mail notification:

United States Trustee, Office of the U.S. Trustee, 833 Chestnut Street, Suite 500,
Philadelphia, PA 19107

William C. Miller, Esq., Chapter 13 Trustee, P.O. Box 1229, Philadelphia, PA 19105

Brad J. Sadek, Attorney for Keith Kratzke and Janet Kratzke, Sadek and Cooper, 1315
Walnut Street, Suite 502, Philadelphia, PA 19107, brad@sadeklaw.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on December 17, 2018:

Keith Kratzke and Janet Kratzke, 379 Pine Run Road, Doylestown, PA 18901

Pennsylvania Department of Revenue, 110 N 8th St STE 204, Philadelphia, PA 19107

Wells Fargo Bank NV NA, P.O. Box 31557, Billings, MT 59107

DATE: December 17, 2018

/s/ Karina Velter

Karina Velter, Esquire (94781)

Adam B. Hall (323867)

Sarah E. Barngrover (323972)

Manley Deas Kochalski LLC

P.O. Box 165028

Columbus, OH 43216-5028

Telephone: 614-220-5611

Fax: 614-627-8181

Attorneys for Creditor

The case attorney for this file is Karina Velter.

Contact email is kvelter@manleydeas.com